

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** December 5, 2002

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department - Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA 02-0114 for Coastal Development Permit.

**PROPOSAL:** A Coastal Development Permit to build a 658 square foot addition to the second story of an existing 2,128 square foot single family home.

**LOCATION:** 38 Emerald Bay, Laguna Beach. Fifth Supervisorial District.

**APPLICANT:** Richard and Crystal Sims

**STAFF** Marta B. Crane, AIA, AICP, Project Manager  
**CONTACT:** Phone: (714) 834-5144 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA 02-0114 for a Coastal Development Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject property is located in the community of Emerald Bay, within the "Coastal Development" (CD) zoning district. The site is currently developed with a 2,128 square feet, two-story single-family dwelling in a 3,080 square foot lot. The applicant proposes to build a 658 square foot addition, which is over 10% of the existing home. The CD zoning district requires approval of a Coastal Development Permit (CDP) for room additions exceeding 10% of structures located between the Pacific Ocean and the first public road, which is the Pacific Coast Highway (PCH) in this case. The community of Emerald Bay has a Certified Local Coastal Program (LCP), which also requires that all properties on the ocean side of the PCH comply with the regulations contained in Section 7-9-118 "Coastal Development" District of the County of Orange Zoning Code.

**SURROUNDING LAND USE:**

The project site and all surrounding properties are developed with single-family dwellings, also zoned R1 "Single-family Residence" with the CD "Coastal Development" District overlay (Exhibit 1).

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site and all residents within 100 feet, as required by Zoning Code Section 7-9-118. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions and the Emerald Bay Community Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The proposal was reviewed and approved by the Emerald Bay Community Association Review Committee on August of 2002 (Exhibit 2).

**CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 3, new construction or conversion of small structures) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

The proposed project consists of a 658 square foot addition to a 2,128 square foot home, resulting in a 30.9% increase to the size of the existing home. The property is located on the Ocean side of Emerald Bay, west of Pacific Coast Highway. Pursuant to Section 7-9-118.5, additions to existing residential dwelling units are exempt from Coastal Development Permits. However, the Code does not exempt projects located within the coastal area between the ocean and the Pacific Coast Highway. Moreover, expansions over 10% of the original structure are subject to a Coastal Development Permit. Therefore, the proposed room addition is subject to the approval of a Coastal Development Permit.

While the proposed project will expand the second floor by more than 30% of the house, the project will be contained within the existing footprint of the structure, therefore, no alteration to the existing setbacks will result from this project. The maximum height of the proposed structure will also be contained within the maximum 35' height permitted by the Code. The extent of the proposed room addition does not cover the entire footprint of the existing structure; it only covers approximately one half of the existing home. The existing house has the following minimum setbacks: a 3 ½ foot setback on the front, a 2 ½ foot setback on the sides, and an 8'-3" single-point rear setback. These setbacks were found to be in compliance with the Code standards by DPC staff when the project was reviewed for submittal, therefore, the proposed project will not require any additional approvals.

The project as proposed is in full compliance with all applicable requirements, Based on the analysis above, staff supports approval of a Coastal Development Permit for this project, subject to the findings and conditions of approval contained in Appendices A and B.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0114 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

/pa02-0114 Emerald Bay

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Site Photo
2. Applicant's Letter of Explanation, with attachment letter from the Emerald Bay Community Association Review summary.
3. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., and Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission [(562)-560-5071] in compliance with their regulations, without exhausting the County's appeal procedures.